

1 HONORABLE RICHARD A. JONES

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAMES C. WARREN,

10 Plaintiff,

11 v.

12 STEWART ANDREWS, MD, et al.,

13 Defendants.
14

Case No. C17-1934-RAJ

ORDER

15 The Court has reviewed Plaintiff's Complaint (Dkt. # 4), Amended Complaint
16 (Dkt. # 16), the Report and Recommendation of Brian A. Tsuchida, United States
17 Magistrate Judge (Dkt. # 21), Plaintiff's "Motion for Copies of Pleadings Filed in Case,
18 Appointment of Counsel, Explanation of Report and Recommendation" (Dkt. # 22),
19 Plaintiff's "Motion for Extension of Time to Object to Report and Recommendation"
20 (Dkt. # 23), and the remaining record.

21 The Court concurs fully in the recommendations of the Report and
22 Recommendation. As explained by Judge Tsuchida, Plaintiff's claim was not filed within
23 the applicable three-year statute of limitations period. Dkt. # 21 at 2. Despite Judge
24 Tsuchida offering Plaintiff an opportunity to show he was entitled to equitable tolling,
25 Plaintiff has made no such showing. *Id.* at 2-3. Finally, Plaintiff failed to adequately
26 plead a claim for any constitutional violation. *Id.* at 3-4.

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28 ORDER – 1

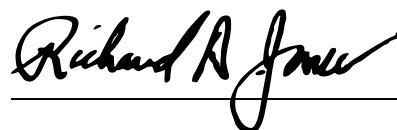
1 Objections to Judge Tsuchida's R&R were due by October 18, 2018. Dkt. # 21.
2 On October 17, 2018, Plaintiff filed a "Motion for Copies of Pleadings Filed in Case,
3 Appointment of Counsel, Explanation of Report and Recommendation" with a number of
4 requests for this Court. Dkt. # 22. In this filing, Plaintiff requests (1) copies of all
5 documents filed in this case; (2) "disability services" from the U.S. District Court and the
6 United States Government; (3) an application to appoint an attorney; (4) copies of all
7 communications between the Court and the Washington Department of Corrections
8 "involvement/about this case"; (5) an explanation of Judge Tsuchida's Report and
9 Recommendation; and (6) a copy of this Court's "Administrative Procedures for Prisoner
10 E-Filing." Dkt. # 22. Plaintiff does not cite any legal authority that would entitle him to
11 any of these requests, nor does Plaintiff explain with any specificity why he needs, for
12 instance, every single filing in this case or this Court's e-mails. Plaintiff does not state
13 what, if any, "disability services" are required, and for what reason. The Court also notes
14 that the attorney application and e-filing guide are both available upon request in the
15 Clerk's Office or on this Court's website (www.wawd.uscourts.gov), and have been from
16 the very outset of this case. However, even if Plaintiff had properly sought and received
17 these documents, it would not make any difference in the ultimate disposition of the case,
18 which is a dismissal of Plaintiff's time-barred claim.

19 For these reasons, the Court will not order the copying, printing, and mailing of
20 the voluminous collection of information Plaintiff seeks. Instead, when the Clerk of the
21 Court mails a copy of this Order to Plaintiff, they should also mail a copy of the docket
22 sheet and another copy of the Report and Recommendation with its attachments.
23 Otherwise, Plaintiff's requests (Dkt # 22) are **DENIED**. Moreover, within this filing,
24 Plaintiff also objected to the R&R as containing "inaccurate [sic] and incomplete
25 information." Dkt. # 22 at 3. Plaintiff did not elaborate on what was incomplete or
26 inaccurate about Judge Tsuchida's R&R, and the Court cannot find any fault on its own
27 accord. The Court thus **DENIES** Plaintiff's objection. Dkt # 22.

1 Finally, on October 18, 2018, Plaintiff filed a Motion for an Extension of Time to
2 Object to Report and Recommendation. Dkt. # 23. By the time Plaintiff filed this
3 motion, he had already objected to the R&R in his previous motion a day earlier. Dkt. #
4 22 at 3. Plaintiff now requests an extension to make a more “complete” objection after
5 additional discovery of records, and because of an alleged injury he suffered on October
6 17. Dkt. # 23 at 1-2. Unlike his previous motion for an extension (Dkt. # 11), Plaintiff
7 provided no supporting evidence or declaration that this injury occurred. Even if he had,
8 Plaintiff had ample time to object to Judge Tsuchida’s recommendation that his claim be
9 dismissed as time-barred, and Plaintiff had no trouble filing an objection (and a host of
10 other requests) on October 17, 2018, despite his alleged head injury. Dkt. # 21. In fact,
11 Plaintiff was first put on notice of the fact that his Complaint was time-barred in Judge
12 Tsuchida’s Show Cause Order on January 30, 2018. Dkt. # 8. Plaintiff gives no
13 reasonable explanation for why he has not been able to research or address this deficiency
14 for the past ten months. Moreover, given that the effect of Judge Tsuchida’s well-
15 reasoned R&R is a dismissal of Plaintiff’s time-barred claim, the Court believes granting
16 such a request would be futile. The Court will thus **DENY** Plaintiff’s Motion for an
17 Extension of Time. Dkt. # 23.

18 Accordingly, the Court adopts the Report and Recommendation (Dkt. # 21),
19 **DENIES** Plaintiff’s Motion for Copies of Pleadings Filed in Case, Appointment of
20 Counsel, Explanation of Report and Recommendation (Dkt. # 22), **DENIES** Plaintiff’s
21 Motion for Extension of Time to Object to Report and Recommendation (Dkt. # 23), and
22 **DISMISSES** this case with prejudice.

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24 DATED this 2nd day of November, 2018.

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27 The Honorable Richard A. Jones
28 United States District Judge